

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2011-03
Petition of Bank of America
185 Linden Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, January 6, 2010 on the petition of BANK OF AMERICA requesting a Special Permit pursuant to the provisions of section XIII and Section XXV of the Zoning Bylaw to allow it to use a portion of its premises, at 185 LINDEN STREET, as a two lane drive-through facility, namely a 24-hour ATM facility on the inner lane and a drive-through window on the outer lane, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in an Industrial District.

Record Owner of Property: FR Linden Square, Inc.

On December 20, 2010, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Eric Gunn, CB Ellis, who said that he was representing Bank of America (the "Petitioner"). He said that the request is for renewal of the Special Permit for the drive-through/ATM at 185 Linden Street.

Mr. Gunn said that there have been no issues.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 185 Linden Street, in an Industrial District, where business transacted from the vehicles of customers or patrons is a use not allowed by right.

The Petitioner is requesting renewal of a Special Permit to allow it to continue to use a portion of its premises as a two lane drive-through facility, namely, a 24-hour ATM facility on the inner lane and a drive-through window on the outer lane, where business is transacted from the vehicles of customers or patrons.

On January 5, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. A Special Permit is required pursuant to Section XIII of the Zoning Bylaw, as the requested use of the premises for a 24-hour drive-through and ATM facility is not a use allowed by right in an Industrial District.

It is the opinion of this Authority that the use of the Bank of America's two lane drive-through facility is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, A Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to continue to use its premises as a two lane drive-through facility, namely a 24-hour ATM on the inner lane and a drive-through window on the outer lane, where business is transacted from the vehicles of customers or patrons, subject to the following condition:

- This Special Permit shall expire two years from the time date stamped on this decision.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm